



State Government Administration Committee

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LRB096 04158 AJ0 29985 a

1 AMENDMENT TO SENATE BILL 267

2 AMENDMENT NO. _____. Amend Senate Bill 267 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Contract Fraud Act is amended by
5 changing Section 2 as follows:

6 (30 ILCS 545/2) (from Ch. 127, par. 132.52)

7 Sec. 2. Spending money without obtaining title to land;
8 approval of title by Attorney General.

9 (a) Except as otherwise provided in Section 2 of the
10 Superconducting Super Collider Act or for projects constructed
11 under the Bikeway Act or for the development of the South
12 Suburban Airport, any person or persons, commissioner or
13 commissioners, or other officer or officers, entrusted with the
14 construction or repair of any public work or improvement, as
15 set forth in Section 1, who shall expend or cause to be
16 expended upon such public work or improvement, the whole or any

1 part of the moneys appropriated therefor, or who shall commence
2 work, or in any way authorize work to be commenced, thereon,
3 without first having obtained a title, by purchase, donation,
4 condemnation or otherwise, to all lands needed for such public
5 work or improvement, running to the People of the State of
6 Illinois; such title to be approved by the Attorney General,
7 and his approval certified by the Secretary of State and placed
8 on record in his office, shall be deemed guilty of a Class A
9 misdemeanor.

10 (b) Approval of title by the Attorney General for all lands
11 needed for a public work or improvement shall not be required
12 as established under subsection (a) of this Section and the
13 State Comptroller may draw warrant in payment of consideration
14 for all such lands without requiring approval of title by the
15 Attorney General if consideration to be paid does not exceed
16 \$10,000 and the title acquired for such lands is for:

17 (1) a fee simple title or easement acquired by the
18 State for highway right-of-way; or

19 (2) an acquisition of rights or easements of access,
20 crossing, light, air or view to, from or over a freeway
21 vested in abutting property; or

22 (3) a fee simple title or easement used to place
23 utility lines and connect a permanent public work or
24 improvement owned by the State to main utility lines; or

25 (4) for the purpose of flood relief or other water
26 resource projects.

1 (c) This Section does not apply to any otherwise lawful
2 expenditures for the construction, completion, remodeling,
3 maintenance and equipment of buildings and other facilities
4 made in connection with and upon premises owned by the Illinois
5 Building Authority, nor shall this Section apply to
6 improvements to real estate leased by any State agency as
7 defined in the Illinois State Auditing Act, provided the
8 leasehold improvements were contracted for by an agency with
9 leasing authority and in compliance with the rules and
10 regulations promulgated by such agency for that purpose.

11 For purposes of this Section, "South Suburban Airport"
12 means the airport to be developed on a site located in Will
13 County and approved by the Federal Aviation Administration in
14 the Record of Decision for Tier 1: FAA Site Approval and Land
15 Acquisition by the State of Illinois, Proposed South Suburban
16 Airport, Will County, Illinois, dated July 2002.

17 (Source: P.A. 88-676, eff. 12-14-94; 89-78, eff. 6-30-95.)

18 Section 10. The Illinois Aeronautics Act is amended by
19 changing Section 74.5 as follows:

20 (620 ILCS 5/74.5)

21 Sec. 74.5. Eminent domain. Notwithstanding any other
22 provision of this Act, any power granted under this Act to
23 acquire property by condemnation or eminent domain is subject
24 to, and shall be exercised in accordance with, the Eminent

1 Domain Act. However, with respect to any condemnation or
2 eminent domain action filed by the Department on or after
3 August 27, 2009 to acquire property for the South Suburban
4 Airport and for which the court enters a final judgment prior
5 to the date on which the Federal Aviation Administration
6 renders its final decision on the South Suburban Airport's
7 airport layout plan, just compensation amounts due the
8 condemnee shall be held in escrow and the Department shall not
9 record the judgment. The escrow agent shall be selected upon
10 the mutual agreement of the Department and the condemnee or, if
11 they cannot agree within 30 days, upon the appointment of the
12 court. At the condemnee's election or in the event the Federal
13 Aviation Administration approves the South Suburban Airport's
14 airport layout plan, just compensation amounts shall be
15 released from escrow and delivered to the condemnee and the
16 Department may record the judgment. In the event the Federal
17 Aviation Administration does not approve the South Suburban
18 Airport's airport layout plan, just compensation amounts shall
19 be released from escrow and returned to the Department and the
20 Department shall, in no event, record the judgment. For
21 purposes of this Section, "South Suburban Airport" means the
22 airport to be developed on a site located in Will County and
23 approved by the Federal Aviation Administration in the Record
24 of Decision for Tier 1: FAA Site Approval and Land Acquisition
25 by the State of Illinois, Proposed South Suburban Airport, Will
26 County, Illinois, dated July 2002.

1 (Source: P.A. 94-1055, eff. 1-1-07.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law."